

**REMARKS**

Claims 1-4, 23, 25 and 26 are pending in this application. Claims 1, 4, 23, 25 and 26 have been amended, claims 27-30 have been added and claim 3 has been canceled without prejudice by the present Amendment. Amended claims 1, 4, 23, 25 and 26 and new claims 27-30 do not introduce any new subject matter.

Applicants hereby request that the Amendment dated July 25, 2005 not be entered.

**REJECTIONS UNDER 35 U.S.C. § 103**

Reconsideration is respectfully requested of the rejection of claims 1, 2, 4 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,238,964 ("Cho"), claim 3 having been canceled.

Applicants respectfully submit that Cho does not disclose or suggest a first upper electrode formed by physical vapor deposition without bias power applied to the semiconductor substrate, as recited in amended claims 1 and 23. Further, Applicants respectfully submit that it would not have been obvious to modify Cho to develop same. Therefore, Applicants respectfully submit that claims 1 and 23 are patentable over Cho. In addition, for at least the reason that claims 2 and 4 depend from claim 1, claims 2 and 4 are also submitted to be patentable over the cited reference.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4 and 23 under 35 U.S.C. § 103(a) and that claims 1, 2, 4 and 23 are in condition for allowance, claim 3 having been canceled.

Reconsideration is respectfully requested of the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Cho as applied to claims 1-4 and

23, and further in view of U.S. Patent No. 6,461,914 ("Roberts").

Applicants respectfully submit that Cho or Roberts, when taken alone or in combination, do not disclose or suggest a first upper electrode formed by physical vapor deposition without bias power applied to the semiconductor substrate, as recited in amended claim 25.

As stated above, Cho does not disclose or suggest this feature. Further, Applicants respectfully submit that it would not have been obvious to modify Cho in view of Roberts to develop same.

Therefore, Applicants respectfully submit that claim 25 is patentable over Cho as applied to claims 1-4 and 23, and further in view of Roberts. In addition, for at least the reason that claim 26 depends from claim 25, claim 26 is also submitted to be patentable over the cited references.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) and that claims 25 and 26 are in condition for allowance.

**NEW CLAIMS**

Applicants respectfully request that the Examiner accept new claims 27-30 for examination and respectfully submit that new claims 27-30 are patentable over the cited references for at least the reason of their dependency on claims 1, 23 or 25.

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An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

  
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